



Legislative Testimony
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**Written Testimony Opposing Section 20 of Senate Bill 2, An Act
Concerning Social Equity and the Health, Safety and Education of
Children**

Senator Anwar, Representative Linehan, Ranking Members Martin and Dauphinais, and distinguished members of the Children Committee:

My name is Kelly McConney Moore, and I am the interim senior policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony to testify in opposition to Section 20 of Senate Bill 2, An Act Concerning Social Equity and the Health, Safety and Education of Children.

We strongly encourage the committee to oppose Section 20 of Senate Bill 2, although we support the increased mental health care access and fee-free early childhood interventions proposed by this bill and take no position on the remainder of Senate Bill 2. While the ACLU-CT supports providing services to children who have lived through adverse childhood experiences (ACEs), Section 20 of this bill contains alarming data tracking that infringes on the civil liberties of young people and could have unintended consequences for their privacy and safety.

First, Section 20 of this bill allows an enormous amount of data to be tracked and indexed to a child by name and other identifying information. The definition of ACEs in Section 20 does track the CDC's definition, but it includes many events, so much so that at least 60% of adults report experiences ACEs.¹ This bill proposes to track data in a statewide database that is available to local and regional boards of education. Per Section 20(c)(1)(A), the data are not de-identified, but instead linked

¹ "What are adverse childhood experiences" Centers for Disease Control and Prevention, *available at* https://www.cdc.gov/violenceprevention/aces/fastfact.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Ffacestudy%2Ffastfact.html.

to the child. These data are meant to be shared with public institutions of higher education, although they are not a public record subject to FOIA.

As the CDC notes, ACEs are not distributed evenly across the population. Instead, girls and “racial/ethnic minority groups” experience more ACEs and are at greater risk for experiencing ACEs.²

This information, linked directly to a child, is too sensitive to be recorded and accessed by anyone who has access to the information system. ACEs are correlated with a number of adverse life outcomes. Tracking this information about a child could lead to harmful bias, segregation, labeling, or treatment by school systems or higher education systems. In the worst-case scenario, the information could get into the hands of police. This is not far-fetched: police in one county in Florida used sensitive information about children who had witnessed or experienced household violence – one type of ACE under this bill – in building a database that purported to determine which children were more likely to become criminals.³ The information was available to police assigned to middle and high school.⁴ In Connecticut, where about 70% of school districts have police on campus,⁵ making this data so widely available is incredibly risky to children. Students attending schools with police on campus already are at higher risk of discipline, with Latinx students facing an arrest rate six times higher in schools with police than without.⁶ The danger of additional targeting of kids of color because of the availability of ACEs data is too risky.

² “What are adverse childhood experiences” Centers for Disease Control and Prevention, *available at* https://www.cdc.gov/violenceprevention/aces/fastfact.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Facestudy%2Ffastfact.html.

³ Neil Bedi & Kathleen McGrory, “Pasco’s sheriff uses grades and abuse histories to label schoolchildren potential criminals. The kids and their parents don’t know.” Tampa Bay Times, Nov. 19, 2020, *available at* <https://projects.tampabay.com/projects/2020/investigations/police-pasco-sheriff-targeted/school-data/>.

⁴ *Id.*

⁵ Chelsea Connery, “The prevalence and the price of police in schools.” UCONN School of Education, Oct. 27, 2020, *available at* <https://education.uconn.edu/2020/10/27/the-prevalence-and-the-price-of-police-in-schools/#>.

⁶ Camara Stokes Hudson, Lauren Ruth, & Wendy Waithe Simmons, “Policing Connecticut’s hallways: The prevalence and impact of school resource officers in Connecticut.” Connecticut Voices for Children, Apr. 17, 2019, *available at* <https://ctvoices.org/publication/policing-connecticuts-hallways-the-prevalence-and-impact-of-school-resource-officers-in-connecticut/>.

Data breaches, too, are a risk. Student records were lost or breached over 8.5 million times in the 6-year period between 2005-2011.⁷ Students' privacy rights, like other Constitutional rights, do not end at the schoolhouse gate. Numerous decisions make it clear that a school does not have a right to information about a student's private health information, like pregnancy or HIV status.⁸ ACEs, too, are private health information that a student should be able to keep private at their (or, for younger children, their caregiver's) sole discretion.

In short, we understand that Section 20 of this bill arises from a desire to help keep children safe and resourced to overcome childhood trauma. Unfortunately, by tracking this kind of extremely sensitive and personal data in a way that it is linked to a specific child, the child's privacy rights are violated. In addition, the risk of harmful unintended consequences from tracking this data are too many and too great. For that reason, the ACLU-CT opposes Section 20 of Senate Bill 2, and urges this Committee to amend or remove it from the bill.

⁷ Sandra Fulton, "Students have privacy rights, too." ACLU, May 24, 2011, *available at* <https://www.aclu.org/blog/privacy-technology/students-have-privacy-rights-too>.

⁸ "Students: Your right to privacy." ACLU, *available at* <https://www.aclu.org/other/students-your-right-privacy#:~:text=Remember%20anything%20you%20say%20can,police%20must%20stop%20questioning%20you>.